

wherein said fastening lug includes a matching recessed portion for receiving said fastening portion of said fastening member.---

REMARKS

Upon entry of the above amendments, an Abstract of the Invention will have been provided as required by the Examiner, claims 1-15 will have been amended, claim 16 will have been added, and claims 1-16 will be pending for consideration by the Examiner.

Initially, Applicants note with appreciation the Examiner's indication of the allowability of claims 2, 5 and 6 once rewritten in independent form and to overcome the rejection under 35 U.S.C. § 112, second paragraph, and the acknowledgment of Applicants' claim for foreign priority and the receipt of the priority document. Applicants also acknowledge receipt of the Notice of Draftsperson's Patent Drawing Review (PTO Form 948). However, correction of the drawings will be deferred until all claims in the application have been indicated by the Examiner to be allowed.

Furthermore, Applicants note that the Examiner has not acknowledged receipt of the Information Disclosure Statement filed in the U.S. Patent and Trademark Office on October 8, 1997. Accordingly, the Examiner is respectfully requested to consider each listed document in the aforementioned Information Disclosure Statement and to indicate such consideration by appropriately initialing and signing the PTO-1449 form enclosed therewith and returning a copy of the signed and initialed form with the next communication.

Applicants respectfully request reconsideration of the outstanding rejections and allowance of all claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Turning to the rejections, the Examiner has rejected claims 1-15 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In this regard, the Examiner has pointed to various expressions in the claims which are deemed by the Examiner to render the claims indefinite. The Applicants have extensively amended the claims in response to the Examiner's remarks in a bonafide effort to overcome the rejection on this ground, and it believed that each of claims 1-16 now pending in this application now complies with the provisions of 35 U.S.C. § 112, second paragraph, and it is respectfully requested that the Examiner withdraw the rejection of all claims on this ground.

The Examiner has also rejected claims 1, 3, 4 and 7-15 under 35 U.S.C. § 102(b) as being clearly anticipated by DERA (U.S. Patent No. 4,110,847). The Examiner considers the helmet and strap taught by DERA to include a fastening member 1 affixed to a chin strap J and a fastening lug 2 attached to the wall 3 of a helmet, and that fastening member 1 includes a fastening portion 16 affixed to a pivotal gripping lever. The Examiner also considers the lever to be the lower portion of fastening member 1 and to be pivotable with respect to the chin strap, and that fastening lug 2 has a matching recessed portion 9 that opens upwardly

as shown in Figure 1 and is limited outwardly by the lug 2. Thus, it is apparently the Examiner's position that claims 1 and 3 read on the chin strap attaching device of DERA, and that the limitations of claims 4 and 7-15 are also shown by the device of DERA.

Initially, Applicants point out that independent claim 1 has been amended (and new independent claim 16 has been drafted) to recite, *inter alia*, that the "pivotable gripping lever" (21) is pivotably mounted on the fastening member (17). This clearly distinguishes over the device of DERA, where the catch 2 (Fig. 1) forms the pivotable member and is pivotably attached to the wall of the helmet. Accordingly, since DERA fails to disclose each and every element of Applicants' invention as recited in independent claims 1 and 16, these claims clearly patentably distinguish over the fastening device disclosed by DERA, and the Examiner is respectfully requested to withdraw the rejection of claim 1 under 35 U.S.C. § 102(b) along with the rejection of claims 3, 4, and 7-15 dependent therefrom.

Additionally, claim 7 recites that the retaining edge of the fastening lug has a central cutout for passage of a retaining end of the fastening member, and claim 8 recites a latching mechanism for latching the gripping lever to the helmet, and these claimed features are neither disclosed nor suggested by DERA. Furthermore, claims 3, 4 and 9-15 recite further elements of the claimed combination that further define over the fastener device of DERA. Accordingly, the fastener structure recited in each of claims 3, 4 and 7-15 is nowhere disclosed or suggested in the applied reference, and these claims are thus further allowable

over the applied prior art.

Accordingly, Applicants respectfully submit that each and every pending claim of the present invention complies with the requirements of 35 U.S.C. § 112, second paragraph, and meets the requirements for patentability under 35 U.S.C. § 102(b) and § 103(a). Thus, Applicants respectfully request the Examiner to indicate allowance of each and every pending claim of the present invention.

CONCLUSION

In view of the foregoing, it is submitted that the present amendment is proper and that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious Applicants' invention, as recited in each of claims 1-15 and in newly added independent claim 16. Furthermore, the claims have been amended to eliminate any arguable basis for rejection under 35 U.S.C. § 112, second paragraph, and to define over the applied reference. In addition, the applied reference of record has been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Accordingly, consideration of the present amendment, reconsideration of the outstanding Office Action, and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Any amendments to the claims which have been made in this amendment, and which

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have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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